

Disposition of the Independent Review Panel

Complainant: Nellie Johnson Davis

Date: October 31, 2003

IRP Case: A2001.056

C&R Case: 167-PC-WDC-01



The Independent Review Panel (IRP) met on October 23, 2003 for the purpose of publicly reviewing the complaint made by Nellie Johnson Davis against the Miami-Dade Corrections & Rehabilitation (C&R) Department and the department's response to that complaint. The following represents the findings of the Panel:

A. Allegations

- 1) After she arrived at the Women's Detention Center, on 9/21/00, Ms. Johnson Davis was without medication for three days; even though she complained about having chest and gastric pains, and could hardly walk.
- 2) After she exited the van (which transported her to court) and fell, two Black Correctional Officers (CO) "dragged" her by the neck of her uniform, while a Black female CO held her uniform by the waist and legs area, to the clinic and then back to the van. A wheelchair or chair could have been offered, as an alternative.

B. Findings of the Independent Review Panel

- 1) The C&R Memo-To-File does not reflect a thorough investigation of the allegations. No attempt was made to identify or take statements from the people named by Ms. Johnson Davis in her complaint.
- 2) The length of time to investigate this complaint was excessive. It took more than two (2) years. IRP sent C&R a request for a formal investigation on 5/25/01. The C&R Memo-To-File was drafted 1/14/03 and approved by PCB on 7/22/03.

C. Panel Recommendations

- 1) That, when C&R closes a complaint with a Memo-To-File, C&R document in the close-out memo the reason the complaint was closed without an investigation.
- 2) That C&R address the excessive length of time from complaint filing to complaint close out by creating a written policy that defines the timeframe, with specific time limits, for processing and completing a complaint.

The complaint was closed on October 23, 2003.

Independent Review Panel

Staff Recommendation to the Panel

October 23, 2003

IRP Complaint No.: A2001.056

C&R Case No.: 167-PC-WDC-01

Complainant: Nellie Johnson Davis

Accused Party: Miami-Dade Corrections & Rehabilitation Department (C&R)

Date Complaint Received: February 6, 2001

Materials Reviewed: Grievance Report Form, Ms. Johnson Davis' 20-page letter and Medical Reports, Correspondence, Staff Notes, and Departmental Response.

Complaint: Nellie Johnson Davis described herself as a disabled person with multiple physical conditions. According to Ms. Johnson Davis:

On the evening of 9/20/00, Ms. Johnson Davis was arrested, charged with "Assault and Battery," and taken to the Women's Detention Center clinic, where she provided a nurse with her medical history. Although she complained of being in pain and requested medical help, none was provided for three days. She was placed in a cell on the second floor and not allowed to make a phone call. Ms. Johnson Davis was taken to the bond hearing and when she returned to the Center, she passed out. When she came around, she saw that she was being dragged to the clinic, where she was given "oxygen and nitro." 911 was called and she was taken to Cedars, where she remained in shackles for three days. When she returned to the Women's Detention Center, she received some medication, but not all and not timely.

A few days later, when she returned from court, she was taken to Dade County Jail. As she exited the van, she passed out and fell on her back. She came to, but could not walk. Two Black Correctional Officers (CO) "dragged" her by the neck of her uniform, while a Black female CO held her uniform by the waist and legs area, to the clinic and then back to the van. A Black CO, named "Howard," asked the other officers why they did not get a chair, instead of continuously dragging her. The driver, a Black male CO, replied that they did not know where a wheelchair was. However, he witnessed when she fell out the van. "Howard" rode with her in the van back to the Women's Detention Center, where a wheelchair was brought, and she was wheeled to the clinic. She was examined by an Asian male doctor, given "Flexiril," and then taken to her cell. Ms. Johnson Davis said she begged CO "Fertil" to let her see someone from social services, and the CO refused. She was eventually taken to JMH. When Ms. Johnson Davis was returned to the Women's Detention Center clinic, she was subsequently seen by social services and her family was contacted. Ms. Johnson Davis was then bonded out by her family.

ALLEGATIONS:

- 1) After she arrived at the Women's Detention Center, on 9/21/00, she was without medication for three days; even though she complained about having chest and gastric pains, and could hardly walk.
- 2) After she exited the van (which transported her to court) and fell, two Black Correctional Officers (CO) "dragged" her by the neck of her uniform, while a Black female CO held her uniform by the waist and legs area, to the clinic and then back to the van. A wheelchair or chair could have been offered, as an alternative.

Departmental Response – C&R Investigative Report – 167-PC-WDC-01:

The case was closed by Memo-To-File (dated January 14, 2003) written by Captain Betty Fuller (Women's Detention Center Facility Supervisor). Captain Fuller gave the following reasons for closing the file (quoted verbatim):

1. According to Ms. Johnson Davis' medical file, she was seen by the medical staff, in the clinic, on September 21, 2000. According to information provided, Ms. Johnson Davis' medical history dated back to June 1998.
2. The nurses make rounds at the Women's Detention Center three times a day. If there was a medical emergency, Ms. Johnson Davis would have been triaged by the medical staff at the Women's Detention Center and been transported to Jackson Memorial Hospital if necessary.
3. The transportation officers are assigned to Special Operations and are not assigned to the Women's Detention Center. According to Ms. Johnson Davis' statement, the transportation officer did provide her some assistance, in lieu of a wheel chair. If Ms. Johnson Davis required a daily wheel chair, one would have been provided.
4. Ms. Johnson Davis indicated that she was not allowed to use the telephone while housed in her cell. All cells are equipped with a telephone and the inmates have access to the telephone daily.

The Memo-To-File was approved and signed by Professional Compliance Bureau (PCB) Chief Mary Ann Piug on 7/22/03.

Findings of Fact:

- On 9/21/00, Nellie Johnson Davis was arrested and charged with "Assault and Battery."
- Ms. Johnson Davis' medical file indicates that she was seen by the medical staff, in the Women's Detention Center clinic, on September 21, 2000.

IRP Staff Remarks: After receiving the C&R memo on 8/29/03, a copy was sent to Ms. Johnson Davis, with the request that she advise Panel staff whether or not it satisfied her complaint. As of 10/9/03, the complainant has not contacted Panel staff.

Staff Findings: Panel staff found that:

- 1) The C&R Memo-To-File does not reflect a thorough investigation of the allegations.

No attempt was made to identify or take statements from the people named by Ms. Johnson Davis in her complaint.

- 2) The length of time to investigate this complaint was excessive. It took more than two (2) years. IRP sent C&R a request for a formal investigation on 5/25/01. The C&R Memo-To-File was drafted 1/14/03 and approved by PCB on 7/22/03.

Staff Recommendations:

1. That, when C&R closes a complaint Memo-To-File, C&R document in the close-out memo the reason the complaint was closed without an investigation.
2. That C&R address the excessive length of time from complaint filing to complaint close out by creating a written policy that defines the timeframe, with specific time limits, for processing and completing a complaint.
3. That the Panel conclude the complaint.